APPENDIX

Opinion of the Texas Court of Civil Appeals

THE ASSOCIATED PRESS,
Appellant,

v.

EDWIN A. WALKER,
Appellee.

No. 16624.

COURT OF CIVIL APPEALS OF TEXAS.

Fort Worth.

July 21, 1967.

REHEARING DENIED SEPT. 22, 1967.

Appeal from District Court, Tarrant County.

Cantey, Hanger, Gooch, Cravens & Scarborough, and J. A. Gooch, Carlisle Cravens, and Sloan B. Blair, Fort Worth, for appellant.

Looney, Watts, Looney, Nichols & Johnson, Oklahoma City, Okl.; Andress, Woodgate, Richards & Condos, and William Andress, Jr., Dallas, for appellee.

PER CURIAM.

OPINION

On July 30, 1965, this Court affirmed a judgment of the trial court in which General Walker had been awarded judgment against The Associated Press in a libel action. Associated Press v. Walker, 393 S. W. 2d 671 (writ ref. n. r. e.).

Subsequently, the case was brought before the Supreme Court of the United States by virtue of a writ of certiorari.

On June 12, 1967, the Supreme Court concluded that General Walker was not entitled to damages from The Associated Press. The judgment in favor of General Walker was reversed and this Court was instructed to act in conformity with the judgment of the Supreme Court. Associated Press v. Walker, 388 U. S. 130, 87 S. Ct. 1975, 18 L. Ed. 2d 1094.

In compliance with the judgment and mandate of the Supreme Court, we hereby set aside our prior judgment of affirmance and hereby reverse the judgment of the trial court and render judgment that General Walker recover nothing from The Associated Press, and that The Associated Press recover from Edwin A. Walker all costs as per mandate of the Supreme Court.